

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

JUSTIN STRIPLING,

Plaintiff,

V.

ANDREW CUTTS, JR.,

Defendant.

Case No. 7:19-cv-00239-ACA-HNJ

# MEMORANDUM OPINION

The magistrate judge entered a report on July 14, 2021, recommending that the court grant Officer Andrew Cutts' motion for summary judgment as to Plaintiff Justin Stripling's Eighth Amendment medical care claim and deny Officer Cutts' motion for summary judgment as to Mr. Stripling's Eighth Amendment excessive force claim. (Doc. 39). The magistrate judge further recommended that the court refer Mr. Stripling's Eighth Amendment excessive force claim to him for further proceedings. (*Id.*). The magistrate judge also recommended that the court dismiss any official capacity claims against Officer Cutts, to the extent that Mr. Stripling asserts such claims. (*Id.*). Although the parties were advised of their right to file specific written objections within fourteen days, the court has not received any objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the courts **ADOPTS** the magistrate judge's report and **ACCEPTS** his recommendation.

Accordingly, the court **GRANTS** Officer Cutts' motion for summary judgment as to Mr. Stripling's Eighth Amendment medical care claim. The court **DENIES** Officer Cutts' motion for summary judgment as to Mr. Stripling's Eighth Amendment excessive force claim and **REFERS** this claim to the magistrate judge for further proceedings. And to the extent Mr. Stripling asserts any official capacity claims against Officer Cutts, the court **WILL DISMISS** those claims as barred by Eleventh Amendment immunity.

The court will enter a separate partial judgment consistent with this memorandum opinion.

**DONE** and **ORDERED** this August 19, 2021.

A handwritten signature in dark ink, appearing to read 'Annemarie', is written above a horizontal line.

**ANNEMARIE CARNEY AXON**  
**UNITED STATES DISTRICT JUDGE**